

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NORFOLK COUNTY RETIREMENT SYSTEM,
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

COMMUNITY HEALTH SYSTEMS, INC.,
WAYNE T. SMITH and W. LARRY CASH,

Defendants.

THIS DOCUMENT RELATES TO ALL
ACTIONS

CONSOLIDATED
CIVIL ACTION NO.: 11-cv-0433

CLASS ACTION

JUDGE ALETA A. TRAUGER
MAG. JUDGE JOE B. BROWN

JURY TRIAL DEMANDED

**NOTICE OF FILING OF PETITION FOR
EN BANC REVIEW OF THE HMA DECISION**

Lead Plaintiff hereby notifies this Court that on June 1, 2015 a petition was filed in the Eleventh Circuit Court of Appeals seeking a rehearing *en banc* of the *per curiam* decision in *Sapssov v. Health Mgmt. Assocs.*, No. 14-12838, 2015 U.S. App. LEXIS 7731 (11th Cir. May 11, 2015) (“HMA”) to the extent it is inconsistent with the U.S. Supreme Court decisions in *Dura Pharms., Inc. v. Broudo*, 544 U.S. 336 (2005) and *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S. Ct. 2398 (2014). Both parties have relied on HMA in part (*see* Doc. Nos. 138, 139, 145) in support of their arguments on the pending motion to dismiss. A copy of the petition is attached hereto as Exhibit A.

Dated: June 2, 2015

**LOWEY DANNENBERG COHEN
& HART, P.C.**

/s/ Barbara J. Hart

Barbara J. Hart (admitted *pro hac vice*)

David Harrison (admitted *pro hac vice*)

Scott V. Papp (admitted *pro hac vice*)

One North Broadway - Suite 509

White Plains, NY 10601

Tel.: (914) 997-0500

PROVOST UMPHREY, LLP

W. Michael Hamilton

TN Bar No. 10720

4205 Hillsboro Pike, Suite 303

Nashville, Tennessee 37215

Tel.: (615) 297-1932

Fax: (615) 297-1986

Attorneys for Lead Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2015, a copy of Lead Plaintiff's NOTICE OF FILING OF PETITION FOR *EN BANC* REVIEW OF THE HMA DECISION, was filed with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy of same upon all counsel of record, as identified in the following chart:

Gary A. Orseck Michael L. Waldman Alison Barnes Robbins Russell Englert Orseck Untereiner & Sauber LLP 1801 K Street NW, Suite 411 Washington, DC 20006 Email: mwaldman@robbinsrussell.com Email: gorseck@robbinsrussell.com Email: abarnes@robbinsrussell.com <i>Counsel for Defendants Community Health Systems, Inc., Wayne T. Smith, W. Larry Cash, and Thomas Buford</i>	Steven S. Riley John R. Jacobson James N. Bowen Milton S. McGee, III Elisabeth Gonser Riley, Warnock & Jacobson PLC 1906 West End Avenue Nashville, TN 37203 Email: sriley@rwjplc.com Email: jjacobson@rwjplc.com Email: jimbowen@rwjplc.com Email: tmcgee@rwjplc.com Email: egonser@rwjplc.com <i>Counsel for Defendants Community Health Systems, Inc., Wayne T. Smith, W. Larry Cash, and Thomas Buford</i>
--	---

<p>Joel A. Blanchet James M. Cooper Lisa V. LeCointe-Cephas Kirkland & Ellis LLP Citigroup Center 601 Lexington Avenue New York, NY 10022-4611 Email: joel.blanchet@kirkland.com Email: Max.cooper@kirkland.com Email: Lisa.LeCointe-Cephas@kirkland.com</p> <p><i>Counsel for Defendants Community Health Systems, Inc., Wayne T. Smith, W. Larry Cash, and Thomas Buford</i></p>	<p>Peter D. Doyle Seth D. Fier Proskauer Rose LLP Eleven Times Square New York, New York 10036-8299 Email: pdoyle@proskauer.com Email: sfier@proskauer.com</p> <p><i>Counsel for Defendants Community Health Systems, Inc., Wayne T. Smith, W. Larry Cash, and Thomas Buford</i></p>
<p>Christopher J. Keller Michael W. Stocker Rachel A. Avan Labaton Sucharow LLP 140 Broadway New York, NY 10005 Email: ckeller@labaton.com Email: mstocker@labaton.com Email: ravan@labaton.com</p> <p><i>Counsel for Norfolk County Retirement System, Alberta Investment Management Corp. and State-Boston Retirement System</i></p>	<p>James Gerard Stranch, IV Branstetter, Stranch & Jennings 227 Second Avenue, N – 4th Floor Nashville, TN 37201 Email: gstranch@branstetterlaw.com</p> <p><i>Counsel for Norfolk County Retirement System, Alberta Investment Management Corp. and State-Boston Retirement System</i></p>
<p>Jeffrey A. Berens Dyer & Berens LLP 303 E. 17th Ave. – Suite 300 Denver, CO 80203 Email: Jeff@dyerberens.com</p> <p><i>Counsel for De Zheng</i></p>	<p>James L. Davidson Greenwald Davidson PLLC 5550 Glades Road , Suite 500 Boca Raton, FL 33431 Email: jdavidson@mgjdlaw.com</p> <p><i>Counsel for De Zheng</i></p>
<p>Robert J. Robbins David R. George Robbins Geller Rudman & Dowd LLP 120 E. Palmetto Park Road – Suite 500 Boca Raton, FL 33432 Email: rrobbins@rgrdlaw.com Email: dgeorge@rgrdlaw.com</p> <p><i>Counsel for De Zheng</i></p>	<p>Michael K. Radford Flynn & Radford 320 Seven Springs Way, Suite 150 Brentwood, TN 37027 Email: mradford@allen-kopet.com</p> <p><i>Counsel for Minneapolis Firefighters' Relief Association</i></p>

<p>Frederic S. Fox Joel B. Strauss Pamela A. Mayer Kaplan Fox & Kilsheimer LLP 850 Third Ave. – 14th Floor New York, NY 10022 Email: ffox@kaplanfox.com Email: strauss@kaplanfox.com Email: pmayer@kaplanfox.com</p> <p><i>Counsel for Minneapolis Firefighters' Relief Association</i></p>	<p>Richard A. Lockridge Karen H. Riebel Lockridge Grindal & Nauen, PLLP 100 Washington Ave. S. – Suite 2200 Minneapolis, MN 55401 Email: lockrra@locklaw.com Email: khriebel@locklaw.com</p> <p><i>Counsel for Minneapolis Firefighters' Relief Association</i></p>
<p>David S. Hagy David S. Hagy, Attorney at Law 1507 16th Avenue South Nashville, TN 37212 Email: dhagy@hagylaw.com</p> <p><i>Counsel for General Retirement System of the City of Detroit</i></p>	

Dated: June 2, 2015

/s/ Scott V. Papp